

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE TELLADO AND  
MARIA TELLADO,

Plaintiffs,

v.

INDYMAC MORTGAGE SERVICES,  
*a division of One West Bank, FSB,*  
Defendant.

CIVIL ACTION

NO. ~~09-5502~~ 09-5022

FILED

DEC - 1 2010


MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

ORDER

AND NOW, this 1<sup>st</sup> of December, 2010, upon consideration of Defendant's Motion for Relief Related to this Court's November 3, 2010 Order Requiring Presence of Defendant's President and Chief Executive Officer at Trial (Doc. 39), **IT IS HEREBY ORDERED AND DECREED** that Plaintiffs' Motion is **DENIED as MOOT<sup>1</sup>**.

**IT IS FURTHER ORDERED** that a penalty in the amount of \$10,000 shall be imposed on the Defendant and the Defendant's President and Chief Executive Officer for failure to comply with this Court's November 3, 2010 order<sup>2</sup>.

BY THE COURT:

  
Hon. Petrese B. Tucker, U.S.D.J.

<sup>1</sup> This Court conducted the bench trial in this matter on November 8, 2010. Thus, the Defendant's motion for relief from complying with this Court's order for Defendant's President and Chief Executive Officer to appear at trial is moot.

<sup>2</sup> This Court, in its pretrial order filed November 3, 2010 (Doc. 36), required the Defendant's President and Chief Executive Officer to appear at the November 8, 2010 bench trial. The Defendant's President and Chief Executive Officer failed to appear at trial. Thus, under Fed. R. Civ. P. 16(f)(1)(C), this Court imposes the above sanction on the Defendant and its President and Chief Executive Officer for defying the Court's order.